

**EMPLOYER STATUS DETERMINATION**  
**Chattahoochee Bay Railroad, Inc.**

**NOV 30 2006**

This is the determination of the Railroad Retirement Board concerning the status of Chattahoochee Bay Railroad, Inc. (CBR), as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.).

Information regarding CBR was provided by Mark W. Hastings, Executive Vice President of Genesee & Wyoming, Inc., the parent company of CBR. CBR is a freight railroad principally engaged in serving local customers and overhead freight traffic between Dothan, Alabama, and Hilton, Georgia. According to Mr. Hastings, CBR began doing business August 26, 2006. Billy C. Eason is the President of CBR. CBR currently has two employees.

In Surface Transportation Board Finance Docket No. 34912, CBR filed a notice of exemption to acquire and operate approximately 29 miles of rail line formerly owned by H&S Railroad Company, Inc., an employer under the Acts (B.A. No. 5548), and Chattahoochee and Gulf Railroad Co., Inc., formerly an employer under the Acts, now part of the Norfolk Southern. It interchanges primarily with the Norfolk Southern, but also interchanges with Central of Georgia Railway, CSX, the Bay Line Railroad, and the Chattahoochee Industrial Railroad.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code \* \* \*.

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act (45 U.S.C. §§ 351(a) and (b)) contain a substantially similar definition, as does section 3231 of the Railroad Retirement Tax Act (26 U.S.C. § 3231).

The evidence of record establishes that CBR is a carrier operating in interstate commerce. Accordingly, it is determined that CBR is an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act as of August 26, 2006, the date as of which it commenced operations.

Original signed by:

FOR THE BOARD  
Beatrice Ezerski  
Secretary to the Board